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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,218	08/27/2003	Young-II Yang	5387-8	7119
20575	7590	06/22/2005	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 1030 SW MORRISON STREET PORTLAND, OR 97205			MACARTHUR, VICTOR L	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/650,218	Applicant(s) YANG, YOUNG-IL	
	Examiner Victor MacArthur	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/18/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Preamble

The preamble of claim 1 merely recites the use or purpose (e.g. "for cubicle partitioning frames") of the claimed invention such that the body of the claim following the preamble is a self-contained description of the structure and does not depend on the preamble for completeness. Accordingly, the examiner has determined that the preamble does not limit the claim. The examiner has considered the claims **without** combination (emphasis added). See MPEP 2111.02 and *Kropa v. Robie*, 88 USPQ at 480-481; *Rowe*, 42 USPQ2d at 1553; and *IMS Technology Inc. v. Haas Automation Inc.*, 54 USPQ2d 1129, 1137 (Fed.Cir.2000).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 4 recite the phrase "such as" thereby rendering the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). For purposes of examination the limitations following the phrase "such as" are taken to be merely exemplary and not positively limiting.

Claim Objections

Claim 1 is objected to because of the following informalities:

- The limitation “a hitching jaw” (lines 13-14 of claim1) should be replaced with --a third hitching jaw-- in order to differentiate from the first and second previously claimed hitching jaws.

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayes (U.S. Patent 5,620,291).

Claim 1. Hayes discloses (figs. 1 and 6) a connecting apparatus comprising: a connecting plate (12) formed at one end thereof with a first hitching jaw (22) for insertion into and passing through a connecting hole (topmost hole in 60) and a second hitching jaw (bottom portion of 12) formed at the other end thereof for not passing through said connecting hole; a leaf spring (50) for being insertedly hitched by said first hitching jaw of said connecting plate; and a connector housing (30) for pressing said leaf spring to be insertedly hitched by said first hitching jaw of said connecting plate, wherein a slowly-rising-and-falling inclining hitching surface (40) is

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formed inside said connector housing for pressing said leaf spring when hitched by said first hitching jaw to rotate said connector housing, and a third hitching jaw (jaw which forms 44) is protrusively formed at said inclining hitching surface for restraining the rotation when said connector housing is rotated at a prescribed angle.

Claim 2. Hayes discloses that the leaf spring is coupled to a rear surface of said connector housing to become an integral part thereof (in as much as the applicant's invention does).

Claim 3. Hayes discloses that the connector housing is formed at an exterior thereof with an angular surface (outer surface of 30) for a tool (e.g. strap wrench, pipe wrench, etc.) such as (exemplary rather than positively limiting, see 35 USC §112 rejection above) a spanner or a rod to be easily inserted thereon for turning (emphasis added).

Claim 4. Hayes discloses that the connector housing is formed with a hole (34) for a tool (e.g. spanner wrench) such as (exemplary rather than positively limiting, see 35 USC §112 rejection above) a driver or a rod to be easily inserted thereinto for turning (emphasis added).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes (U.S. Patent 5,620,291) in view of Scharer (U.S. Patent 5,259,684).

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Claim 5. Hayes discloses that the connecting plate is formed with a protruder (14), wherein said first hitching jaw is formed at the tip end of said protruder and said second hitching jaw is formed at each base part of said protruder. Hayes does not disclose duplicate protruders each radially protruding from the center thereof and formed at a prescribed angle. Scharer teaches (fig.1) duplicate protruders (17a, 17b) each radially protruding from a center (between 17a and 17b) and formed at a prescribed angle (180 degrees). Scharer states (col.5, ll.37-46) that such duplicate protruders are desirable with bayonet style assemblies (e.g. the bayonet assembly of Hayes). It has generally been recognized that duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Hayes apparatus, by duplication of protruders, as taught by Scharer, since duplicate protruders are desirable within bayonet style assemblies and since such practice is a design consideration within the skill of the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Referring to connecting apparatus:

Trudeau U.S. Patent 1,895,826

Newell U.S. Patent 2,260,048

Cuva U.S. Patent 6,773,215

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085.

The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



VLM
June 13, 2005



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600